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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,862	07/21/2006	Kazumasa Ito	293542US3PCT	1557
22850	7590	01/06/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
PICO, ERIC E				
ART UNIT		PAPER NUMBER		
3654				
NOTIFICATION DATE		DELIVERY MODE		
01/06/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/586,862

Applicant(s)

ITO, KAZUMASA

Examiner

ERIC PICO

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
4a) Of the above claim(s) 3, 4, 7 and 8 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 2, 5, 6 and 9 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claim(s) 9** is/are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. **Claim 9** recites the limitation "the drive sleeve" in line 2. There is insufficient antecedent basis for this limitation in the claim. In the interim for purposes of compact prosecution, the phrase/term "the drive sleeve" has been interpreted as meaning a "the sheave."

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claim(s) 1 and 5** is/are rejected under 35 U.S.C. 102(b) as being anticipated by Bonzon U.S. Patent No. 3051266.
6. **Regarding claim 1**, Bonzon discloses an emergency brake device for an elevator comprising:

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7. a connecting body 20 capable of being displaced with respect to a sheave 1 which is rotatable;
8. a brake body 8 provided to the connecting body 20, which is capable of coming into and out of contact with an outer periphery of the sheave 1 and capable of being displaced in a rotation direction of the sheave 1 while maintaining a contact with the outer periphery of the sheave 1;
9. a brake drive device 12 which displaces the connecting body 20 in a direction in which the brake body 8 comes into and out of contact with the outer periphery of the sheave 1; and
10. a gripper metal 22 including an inclined portion caused to incline with respect to the outer periphery of the sheave 1, the brake body 8 being meshed between the outer periphery of the sheave 1 and the inclined portion when the brake body 8 is displaced in the rotation direction of the sheave 1,
11. wherein the brake body 8 comes into contact the inclined portion via supports 20 mounted on rollers 21, Column 4, Lines 57 and 58 and with the outer periphery of the sheave 1 and is meshed between the outer periphery of the sheave 1 and the inclined portion, so that rotation of the sheave 1 is braked.
12. **Regarding claim 5**, Bonzon discloses a connecting body position returning device 15, Column 3, Lines 36-38, which biases the connecting body 20 against the displacement of the brake body 8 when the brake body 8 is displaced in the rotation direction of the sheave 1.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. **Claim(s) 2, 6, and 9** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonzon U.S. Patent No. 3051266 in view of Koppensteiner U.S. Patent No. 4538706.

15. **Regarding claim 2**, Bonzon is silent concerning wherein the brake body is a brake roller rotatably provided to the connecting body.

16. Koppensteiner teaches wherein a brake body is a brake roller 8 rotatably provided to a connecting body.

17. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the brake body disclosed by Bonzon a brake roller as taught by Koppensteiner to facilitate the braking and movement of the brake body.

18. **Regarding claim 6**, Bonzon discloses a connecting body position returning device 15, Column 3, Lines 36-38, which biases the connecting body 20 against the displacement of the brake body 8 when the brake body 8 is displaced in the rotation direction of the sheave 1.

19. **Regarding claim 9**, Bonzon is silent concerning wherein a space between the inclined portion and the outer periphery of the drive sleeve becomes smaller with distance from a centerline of the brake body.

20. Koppensteiner teaches wherein a space between an inclined portion 10 and an outer surface 6 of a rail 3 becomes smaller with distance from a centerline of a brake body 8.

21. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the brake body disclosed by Bonzon a brake roller as taught by Koppensteiner to facilitate the braking and movement of the brake body.

Response to Arguments

22. Applicant's arguments filed 10/01/2008 have been fully considered but they are not persuasive.

23. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the torque of the drive sheave 7 can be converted to pressing force of the brake roller 18 with respect to the drive 7) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

24. In response to applicant's argument, "the "stationary runaways" 22 asserted at page 3, paragraph 8 in the outstanding rejection as corresponding to the "gripper metal 16" of Applicant's invention, never comes into contact with the Bonzon auxiliary brake 8 and Bonzon completely fails to teach contacting meshing of a brake between a sheath and an inclined portion of a gripper" firstly, it is assumed applicant refers to the term

"sheave" and not sheath; furthermore, stationary runway 22 contacts auxiliary brake 8 via supports 20 mounted on rollers 21, Column 4, Lines 57 and 58. Therefore, auxiliary brake 8 contacts between pulley 1 and stationary runway 22.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC PICO whose telephone number is (571)272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP

/Peter M. Cuomo/

Supervisory Patent Examiner, Art Unit 3654